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**Attention: EXAMINER Isaac N. Hamilton**  
**Phone: (703) 305-4949**

GROUP 3724 PERSONNEL: THE DOCUMENT TO FOLLOW IS A

## RESPONSE AFTER FINAL

including:

- ☐ Response under 37 CFR §1.116
- ☐ Notice of Appeal
- ☐ Appeal Brief under 37 CFR §1.192 (filed in triplicate)
- ☐ Reply Brief under 37 CFR §1.193(b)(1) (filed in triplicate)
- ☐ Continued Prosecution Application (CPA) Request Transmittal
- ☒ Other: Applicant's Summary of Examiner's Interview

for filing in U.S. Patent Application Serial No. 10/072,494

## *SPECIAL STATUS*

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Gary M. Hartman

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|                   |                   |                              |
|-------------------|-------------------|------------------------------|
| Application No. : | 10/072,494        | Confirmation No. <b>3370</b> |
| Applicant :       | Brent L. Bucks    |                              |
| Filed:            | February 4, 2002  |                              |
| TC/Art Unit:      | 3724              |                              |
| Examiner :        | Isaac N. Hamilton |                              |
| Docket No. :      | A1-1431           |                              |
| Customer No. :    | 27127             |                              |

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**APPLICANT'S SUMMARY OF EXAMINER'S INTERVIEW**

Applicant's undersigned representative wishes to thank Supervisory Examiner Shoap for the telephone interview of February 4, 2004, during which claim rejections set forth in a final Office Action dated October 21, 2003 (Paper No. 9), and maintained in an Advisory Action dated January 16, 2004 (Paper No. 12), were discussed. The following is Applicant's summary of the interview pursuant to MPEP 713.04.

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### COMMENT

As a preliminary matter, the Interview Summary dated February 23, 2004 (Paper No. 13), identifies the participants of the interview as Examiner Hamilton, Supervisory Examiner Shoap, and Applicant's undersigned representative. However, only Examiner Shoap and Applicant's representative participated in the interview.

### SUBSTANCE OF THE INTERVIEW

(A) Brief description of the nature of any exhibit shown or any demonstration conducted:

Not applicable.

(B) Identification of the claims discussed:

Claims 1 through 40, particularly dependent claims 3 and 23, which depend from independent claims 1 and 21, respectively.

(C) Identification of specific prior art discussed:

U.S. Patent No. 5,473,967 to Frey et al. (Frey).

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(D) Identification of the principal proposed amendments of a substantive nature discussed:

(1) Amendments to independent claims 1 and 21 to incorporate the limitation from their respective dependent claims 3 and 23, namely, "forcing the product away from the second portion of the passage and into contact with the guide means."

The proposed amendment to claim 1 was:

means for applying a force on a product traveling downward through the passage so that, ~~the force being sufficient to push~~ the product is forced away from the second portion of the passage, toward the first portion of the passage, and into contact with the guide means during engagement with the cutting means.

The proposed amendment to claim 21 was:

applying a force on a product traveling downward through the passage so that, ~~the force being sufficient to push~~ the product is forced away from the second portion of the passage, toward the first portion of the passage, and into contact with the guide means during engagement with the cutting means.

(2) Amendments to independent claims 12 and 32 commensurate to the amendments of independent claims 1 and 21 and consistent with the existing limitation in claim 32 that a force is applied "to maintain the product in contact with the splines during engagement with the cutting means."

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The proposed amendment to claim 12 was:

at least a first set of at least two fluid jets flowing in a downward direction across the passage from the second portion of the passage toward the wall portion, the fluid jets converging toward the wall portion to apply a force on a product traveling downward through the passage, the at least two fluid jets forcing ~~force being sufficient to push~~ the product away from the second portion of the defining means and toward the wall portion of the defining means so as to maintain the product in contact with the splines during engagement with the cutting means;

The proposed amendment to claim 32 was:

flowing at least a first set of at least two fluid jets in a downward direction across the passage from the second portion of the passage toward the wall portion, the fluid jets converging toward the wall portion to apply a force on a product traveling downward through the passage, ~~the force being sufficient to push~~ the product within the passage being forced away from the second portion of the vertical passage and toward the wall portion of the vertical passage so as to maintain the product in contact with the splines during engagement with the cutting means.

(E) The general thrust of the principal arguments of the applicant and examiner:

Applicant's representative raised his concern that the final Office Action and the Advisory Action did not set forth grounds for maintaining the rejections of claims 3, 23 and 32, each of which required (prior to the proposed amendments) that the product is forced away from one side of the passage into contact with guide means (splines).

Specifically, neither the final Office Action nor the Advisory Action sets forth how Frey

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discloses or suggests this limitation.

Contrary to the "Interview Summary" (Paper No. 13), Applicant's representative and Examiner Shoap did not discuss whether the proposed amendments to the claims "raise new issues that would require further consideration." The "Interview Summary" focused entirely on the concern for "new issues," and therefore did not address Applicant's concern regarding the rejections of claims 3, 23 and 32.

(F) A general indication of any other pertinent matters discussed:

Not applicable.

(G) If appropriate, the general results or outcome of the interview:

Examiner Shoap suggested that Applicant's representative contact Examiner Hamilton to inquire as to what extent the rejections of claims 3, 23 and 32 were reconsidered in view of the fact that their limitations were present prior to the proposed amendments that gave rise to the "new issues" concern.

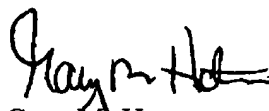
For purposes of obtaining a thorough examination of his invention, Applicant opted instead to file a Request for Continued Examination (RCE), to afford an opportunity for a search to be conducted for prior art that is more pertinent to the limitation of claims 3, 23 and 32.

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**Closing**

Should the Examiner have any questions with respect to any matter now of record, Applicant's representative may be reached at (219) 462-4999.

Respectfully submitted,

By   
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March 22, 2004  
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